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APPLICATION NO.	FILED DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,009	03/20/2001	John Rodriguez	LS/0013.00	2984
7590	10/04/2004		EXAMINER GRANT II, JEROME	
John A. Smart 708 Blossom Hill Rd., #201 Los Gatos, CA 95032-3503			ART UNIT 2626	PAPER NUMBER

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

O I P E Office Action Summary NOV 09 2004		Application No. 09/814,009	Applicant(s) RODRIGUEZ ET AL.
		Examiner Jerome Grant II	Art Unit 2626
-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --			
<b>Period for Reply</b>			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>-3-</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
<p>1)<input type="checkbox"/> Responsive to communication(s) filed on ____.</p> <p>2a)<input type="checkbox"/> This action is FINAL.                    2b)<input checked="" type="checkbox"/> This action is non-final.</p> <p>3)<input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11, 453 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p>4)<input checked="" type="checkbox"/> Claim(s) <u>1-53</u> is/are pending in the application.</p> <p>4a) Of the above claim(s) ____ is/are withdrawn from consideration.</p> <p>5)<input type="checkbox"/> Claim(s) ____ is/are allowed.</p> <p>6)<input checked="" type="checkbox"/> Claim(s) <u>1-16, 18, 19, 22, 23, 25, 28, 32, 34, 37-40, 43-45 and 47-50</u> is/are rejected.</p> <p>7)<input checked="" type="checkbox"/> Claim(s) <u>17,20,21,24,26,27,29-31,33,36,41,42,46 and 51-53</u> is/are objected to.</p> <p>8)<input type="checkbox"/> Claim(s) ____ are subject to restriction and/or election requirement.</p>			
<b>Application Papers</b>			
<p>9)<input type="checkbox"/> The specification is objected to by the Examiner.</p> <p>10)<input type="checkbox"/> The drawing(s) filed on ____ is/are: a)<input type="checkbox"/> accepted or b)<input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p> <p style="margin-left: 20px;">Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).</p> <p>11)<input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.</p>			
<b>Priority under 35 U.S.C. § 119</b>			
<p>12)<input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p> <p>a)<input type="checkbox"/> All    b)<input type="checkbox"/> Some * c)<input type="checkbox"/> None of:</p> <p style="margin-left: 20px;">1.<input type="checkbox"/> Certified copies of the priority documents have been received.</p> <p style="margin-left: 20px;">2.<input type="checkbox"/> Certified copies of the priority documents have been received in Application No. ____.</p> <p style="margin-left: 20px;">3.<input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>* See the attached detailed Office action for a list of the certified copies not received.</p> <p style="text-align: right; margin-right: 100px;"><i>JEROME GRANT II PRIMARY EXAMINER</i></p>			
<b>Attachment(s)</b>			
<p>1)<input checked="" type="checkbox"/> Notice of References Cited (PTO-892)</p> <p>2)<input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p> <p>3)<input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 9-30-04.</p>		<p>4)<input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____</p> <p>5)<input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p> <p>6)<input type="checkbox"/> Other: ____</p>	



### Detailed Action

1.

Claims 40-42 are rejected under 35 U.S.C. 101 because claim 1 is directed toward a method and claim 40 depending on claim 1, is directed toward a system.

Claim 40 does not fit within any of the statutory categories of inventions. Correction is required.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4 – 9, 13-16, 18, 19, 22, 25, 28, 32, 34, 35, 37 and 47-50 rejected under 35 U.S.C. 102(e) as being anticipated by Jebens.

With respect to claim 1, Jebens teaches a method for improving online access to digital images comprising: creating digital images via MAC/PC 38 according to figure 2; transferring copies of the digital images to a central server (via server 32, 44, 24 or 28 according to figure 2); transferring lower-resolution copies of the digital images to the central server using relatively low bandwidth communication, according to col. 5, lines 23-27; subsequently transferring higher resolution copies of the digital images to the central server using relatively high bandwidth communication (col. 5, lines 29-35); in response to a user request for online access to the digital images from a browser, transferring said lower resolution copies to the browser for online viewing, see col. 12, lines 18-44 regarding the browser for reviewing images from server 24, see also col. 5, lines 23-26. Jebens teaches that in response to a user request for a high resolution image, transferring the higher resolution copy of that image to the browser, see col. 12, lines 18-44 regarding browser for reviewing images from server 24 and col. 5, lines 29-37 regarding transfer of high resolution images.

With respect to claim 2, see col. 1, lines 53-55.

With respect to claims 4 and 39, see col. 2, lines 19-26.

With respect to claims 5 and 40, see col. 12, lines 18-44 and col. 5, lines 29-37.

With respect to claim 6, see col. 12, lines 44-48.

With respect to claims 7 and 43, see col. 5, lines 45-53.

With respect to claims 8 and 44, see col. 5, line 50. The original size data is inherently full size image data.

With respect to claim 9, See col. 8, lines 12-14 which addresses the acquisition of high resolution images over a server 30. See col. 12, lines 26-50 that address manipulation of data over the Internet via server 24.

With respect to claims 13 and 47, Jebens teaches low resolution images transferred over the Internet via server 24, see figure 2.

With respect to claims 14 and 48, see figures 1 and 2 and col.7, lines 35-40 which discusses Internet Explorer which uses an HTTP protocol.

With respect to claim 15, see figure 2 where plural elements 14 comprise scanner 48 which is connected to server 24.

With respect to claims 16 and 50, Jebens teaches creating a tape archive (items recorded on digital files); and transferring information from the tap to the central server

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(anyone of servers 22, 24, 26, 28, 30 and 32) This information is also stored on a database.

With respect to claim 18, see col. 8, lines 12-36 regarding the electronic data transfer.

With respect to claim 19, see col. 5, lines 55-60 of Jebens.

With respect to claim 22, Jebens teaches transferring the low res. Copies from the server 24 to the Web site (Telecom Inter/Internet), see figure 2; and transferring low res. Copies of the copies of the digital images using high speed network. See col. 5, lines 20-36.

With respect to claim 25, images are stored on a mini server (other servers fro 22, 26, 28, 30 and 32), see figure 2.

With respect to claim 28, servers 22, 24, 26, 28, 30 and 32 can be identified by a claim ID.

With respect to claim 32, this limitations is inherent in that if the user selects this function through the user interface, 12, 14 and 16.

With respect to claim 34, see scanner 48.

With respect to claim 35, this limitations is inherent in Jebens according to the teaching at col. 5, lines 55-60.

With respect to claim 37, Jebens teaches a system providing online access to digital images comprising: plural scanner units (plural units 48 connected to the network) for scanning a photographic film (transparencies –given film has been developed), see col. 1, lines 53-55; a central sever (any one of servers 22, 24, 26, 28, 30 and 32) for holding digital images; transport mechanism (server 22) for transferring both the full and low resolution images from scan centers 14 to the central server 24 or 22. Jebens teaches a high volume transport mechanism (modem 43) as claimed ; low resolution mechanism (modem 43); wherein said low volume and high volume transport mechanism operates to transfer respective images to the central server after the lower resolution images have been transferred. See col. 12, lines 18-44 and col. 5, lines 29-37.

With respect to claim 49, this limitation is inherent with respect to figure 2.

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2.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Schaeffer.

Jebens teaches all of the subject matter upon which the claim depends. While Jebens mentions taking images from transparencies the reference does not show that the transparencies were from digitized photographs. Assuming one could argue that the transparencies are not photos, Schaeffer teaches a scanner 60 for digitizing negatives, see col. 2, liens 7-10.

Since, Jebens and Schaeffer are both directed toward digitizing images and the processing of them, the purpose of digitizing photographs would have been recognized by Jebens as set forth by Schaeffer.

It would have been obvious to replace or modify scanner 48, shown in figure 2, with the scanner 60 of Schaeffer so that one may read and digitize photographs.

3.

Claims 11, 12, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jebens in view of Cao.

With respect to claims 11 and 47, Jebens teaches all of the subject matter upon which the claim depends except for the specific teaching of enlarging the digital image.

Cao teaches a zoom function for enlarging image, see paragraph 18.

Since, Jebens teaches a client browser for processing image data, and Cao teaches a zoom function as an image processing function, the purpose of enlarging an image would have been recognized by Jebens as set forth by Cao. It would have been obvious to modify the client browser in figure 2 to accommodate the processing of images from unit 14 by enlarging the images, as set forth by paragraph 18 of Cao.

With respect to claims 12 and 45, Jebens teaches all of the subject matter upon which the

claim depends. Jebens suggests images are displayed at low resolution But, Cao teaches displaying image in full resolution (high resolution), see paragraph 18. Since Jebens and Cao are both in the art of image processing of digital images, the purpose of displaying images in high resolution would have been recognized in Jebens as set forth in Cao.

It would have been obvious to modify the server 24 of Jebens so that it uses the same software or hardware as explained by server 18 of Cao to allow the viewer to see full images as taught at para. 18 of Cao the low resolution image transferred over the Internet via server 24, see figure 2.

4.

**Claims Objected**

Claims 17, 20, 21, 24, 26, 27, 29-31, 33, 36, 46 and 51-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 41 and 42, these claims contain allowable subject but applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams, can be reached on 703-305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

J. Grant II



JEROME GRANT II  
PRIMARY EXAMINER



## ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18  
Stylesheet Version v18.0

Title of Invention	Improved Internet Delivery of Digitized Photographs						
Application Number:	09/814009						
Confirmation Number:	2984						
First Named Applicant:	John Rodriguez						
Attorney Docket Number:	LS/0013.00						
Art Unit:	2626 <i>J. Grant</i>						
Examiner:	Scott A. Rogers						
Search string:	( 6636863 or 6629079 or 6628307 or 6317722 or 6029141 or 5956709 or 5819285 or 5745681 or 5715314 or 5319542 ),pn.						
<b>RECEIVED</b> NOV 13 2003 <i>Technology Center 2600</i>							
<b>US Patent Documents</b>							
Note: Applicant is not required to submit a paper copy of cited US Patent Documents							
init	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
1	1	6636863	2003-10-21	Friesen		707	102
2	2	6629079	2003-09-30	Spiegel et al.		705	26
3	3	6628307	2003-09-30	Fair		345	763
4	4	6317722	2001-11-13	Jacobi et al.		705	14
5	5	6029141	2000-02-22	Bezos et al.		705	27
6	6	5956709	1999-09-21	Xue		707	3
7	7	5819285	1998-10-06	Damico et al.		707	104.1
8	8	5745681	1998-04-28	Levine et al.		709	200
9	9	5715314	1998-02-03	Payne et al.		705	78
10	10	5319542	1994-06-07	King et al.		705	27

**Remarks**

Note: Remarks are not for responding to an office action.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as

*JEFFERSON CHANT II  
PRIMARY EXAMINER*



## ELECTRONIC INFORMATION DISCLOSURE STATEMENT

Electronic Version v18  
Stylesheet Version v18.0

Title of Invention	Improved Internet Delivery of Digitized Photographs						
Application Number:	09/814009						
Confirmation Number:	2984						
First Named Applicant:	John Rodriguez						
Attorney Docket Number:	LS/0013.00						
Art Unit:	2626						
Examiner:	Rogers Scott <i>Grant</i>						
Search string:	( 6321231 or 6332146 ).pn.						
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<b>US Patent Documents</b>							
Note: Applicant is not required to submit a paper copy of cited US Patent Documents							
Int'l	Cite.No.	Patent No.	Date	Patentee	Kind	Class	Subclass
1	1	6321231	2001-11-20	Jebens et al.	B1	707	104
2	2	6332146	2001-12-18	Jebens et al.	B1	707	104
<b>Remarks</b>							
Note: Remarks are not for responding to an office action.							
This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in Sec. 1.56.							
<b>Signature</b>							
Examiner Name				Date			
<i>Jerome</i>				9-25-04			

*JEROME GRANT II*  
PRIMARY EXAMINER

 <b>Notice of References Cited</b>		Application/Control No. 09/814,009	Applicant(s)/Patent Under Reexamination RODRIGUEZ ET AL.	
		Examiner Jerome Grant II	Art Unit 2626	Page 1 of 1

#### U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,321,231	11-2001	Jebens et al.	707/104.1
	B	US-2002/0158874	10-2002	Cao, Jiangen	345/428
	C	US-6,701,302	03-2004	Schaeffer et al.	705/26
	D	US-6,388,732	05-2002	Williams et al.	355/40
	E	US-6,324,521	11-2001	Shiota et al.	705/27
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

#### FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

#### NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.